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AMENDED IN ASSEMBLY MAY 25, 2012
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CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2193

Introduced by Assembly Member Lara

February 23, 2012

An act to amend Section 52059 of, and to add Sections 313.1, 313.2, and 313.3 to, the Education Code, relating to English learners.

LEGISLATIVE COUNSEL'S DIGEST

AB 2193, as amended, Lara. Long-term English learners.

(1) Existing law requires the State Department of Education to establish a statewide system of school support for school districts, county offices of education, and schools in need of improvement and requires the system to consist of regional consortia, school district assistance and intervention teams, and other technical assistance providers. Existing law requires this system to provide assistance on the design and operation of the instructional program. Existing law requires standards and criteria developed by the Superintendent of Public Instruction for use in providing assistance to include the alignment of curriculum, instruction, and assessments to state standards.

This bill would require the assistance provided on the design and operation of the instructional program to target pupils not meeting the federal academic targets, including English learners, long-term English learners, and those at risk of becoming long-term English learners. The

bill would require that the alignment of curriculum, instruction, and assessments to state standards to target pupils not meeting the federal academic targets, including English learners, long-term English learners, and those at risk of becoming long-term English learners.

The bill would define “long-term English learner” and “English learner at-risk of becoming a long-term English learner.”

(2) Existing federal law requires local educational agencies to inform the parents of limited-English-proficient pupils of certain information regarding the language instruction of their children.

This bill would add to the information required by the federal law by requiring a school district, charter school, and county office of education to notify a parent or guardian of an English learner of whether their child is, or is at-risk of becoming, a long-term English learner. By requiring a school district, charter school, and county office of education to include this additional information in the notice provided to parents, the bill would impose a state-mandated local program.

(3) Existing law requires each school district that has one or more pupils who are English learners, and, to the extent required by federal law, a county office of education and a charter school, to assess the English language development of each of those pupils in order to determine their level of proficiency. Existing law requires the department, with the approval of the State Board of Education, to establish procedures for conducting the assessment and for the reclassification of a pupil from English learner to English proficient.

This bill would require a school district, charter school, and county office of education to annually ascertain and report to the department the number of pupils in the local educational agency who are, or are at risk of becoming, long-term English learners. By requiring a school district, charter school, and county office of education to collect and report this data, this bill would impose a state-mandated local program.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 313.1 is added to the Education Code, to read:

313.1. For purposes of this article, the following terms have the following meanings:

(a) “Long-term English learner” means an English learner who is enrolled in any of grades 6 to 12, inclusive, has been continuously or cumulatively enrolled in schools in the United States for more than six years, has remained at the same English language proficiency level for two or more consecutive years as determined by an English proficiency examination, and scores far below basic or below basic on the English language arts standards-based academic achievement test.

(b) “English learner at risk of becoming a long-term English learner” means an English learner who is enrolled in any of grades 5 to 11, inclusive, has been continuously or cumulatively enrolled in schools in the United States for four years, scores at the intermediate level or below on the English language development test identified or developed pursuant to Section 60810, and scores in the fourth year of continuous or cumulative enrollment at the below basic or far below basic ~~levels~~ *level* on the English language arts ~~and mathematics standards-based achievement tests~~ *test* administered pursuant to Section 60640.

SEC. 2. Section 313.2 is added to the Education Code, to read:

313.2. The notice to parents required pursuant to Section 7012 of Title 20 of the United States Code shall include whether their child is a long-term English learner or at risk of becoming a long-term English learner.

SEC. 3. Section 313.3 is added to the Education Code, to read:

313.3. (a) A school district, charter school, or county office of education shall annually ascertain the number of pupils in the local educational agency who are, or are at risk of becoming, long-term English learners, as those terms are defined in Section 313.1.

(b) A school district, charter school, or county office of education shall annually report to the department the number of pupils ascertained pursuant to subdivision (a).

SEC. 4. Section 52059 of the Education Code is amended to read:

1 52059. (a) For purposes of complying with the federal No
2 Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), a
3 statewide system of school support shall be established by the
4 department to provide a statewide system of intensive and sustained
5 support and technical assistance for school districts, county offices
6 of education, and schools in need of improvement. The system
7 shall consist of regional consortia, district assistance and
8 intervention teams, and other technical assistance providers.

9 (b) The regional consortia shall work collaboratively with, and
10 provide technical assistance to, school districts and schools in need
11 of improvement by doing the following:

12 (1) Reviewing and analyzing all facets of the operation of a
13 local educational agency or school, including the following:

14 (A) The design and operation of the instructional program
15 offered by the local educational agency or school targeting pupils
16 not meeting the federal academic targets, including English
17 learners, long-term English learners, and those at risk of becoming
18 long-term English learners.

19 (B) The recruitment, hiring, and retention of principals, teachers,
20 and other staff, including vacancy issues. The regional consortia
21 may request the assistance of the Fiscal Crisis and Management
22 Assistance Team to review school district or school recruitment,
23 hiring, and retention practices.

24 (C) The roles and responsibilities of district and school
25 management personnel.

26 (2) Assisting the local educational agency or school in
27 developing recommendations for improving pupil performance
28 and school operations targeting pupils not meeting the federal
29 academic targets, including English learners, long-term English
30 learners, and those at risk of becoming long-term English learners.

31 (3) Assisting the local educational agency or school in efforts
32 to eliminate misassignments of certificated personnel.

33 (c) For purposes of performing the functions specified in
34 subdivision (b), funds for the regional consortia shall be distributed
35 based on the number of Title I schools, the pupil enrollment in
36 those schools, and the number of school districts in each region
37 that are identified as being in need of improvement pursuant to
38 Section 6316(b) of Title 20 of the United States Code.

39 (d) The regional consortia shall ensure that support is provided
40 in the following order of priority:

1 (1) To school districts or county offices of education with
2 schools that are subject to corrective action under Section
3 6316(b)(7) of Title 20 of the United States Code.

4 (2) To school districts or county offices of education with
5 schools that are identified as being in need of improvement
6 pursuant to Section 6316(b) of Title 20 of the United States Code.

7 (3) To provide support and assistance to school districts and
8 county offices of education with schools participating under the
9 federal No Child Left Behind Act of 2001 that need support and
10 assistance to achieve the purposes of that act.

11 (4) To provide support and assistance to other school districts
12 and county offices of education with schools participating in a
13 program carried out under this chapter.

14 (e) In accordance with paragraph (4) of subdivision (d) of
15 Section 52055.57, the Superintendent may recommend, and the
16 state board may approve, that a local educational agency that is
17 identified for corrective action under the federal No Child Left
18 Behind Act of 2001 contract with a district assistance and
19 intervention team or other technical assistance provider to receive
20 technical assistance, including, but not limited to, a needs
21 assessment of the local educational agency.

22 (1) The Superintendent shall develop, and the state board shall
23 approve, standards and criteria to be applied by a district assistance
24 and intervention team or other technical assistance provider in
25 carrying out its duties. The standards and criteria that a district
26 assistance and intervention team or other technical assistance
27 provider shall use in assessing a local educational agency shall
28 address, at a minimum, all of the following areas:

29 (A) Governance.

30 (B) Alignment of curriculum, instruction, and assessments to
31 state standards targeting pupils not meeting the federal academic
32 targets, including English learners, long-term English learners,
33 and those at risk of becoming long-term English learners.

34 (C) Fiscal operations.

35 (D) Parent and community involvement.

36 (E) Human resources.

37 (F) Data systems and achievement monitoring.

38 (G) Professional development.

39 (2) Not later than 120 days after the assignment of a district
40 assistance and intervention team or other technical assistance

1 provider, or the next regularly scheduled meeting of the state board
2 following the expiration of the 120 days, the team shall complete
3 a report based on the findings from the needs assessment performed
4 pursuant to paragraph (1). The report shall include, at a minimum,
5 recommendations for improving the areas specified in paragraph
6 (1) that are found to need improvement. The report also shall
7 address the manner in which existing resources should be redirected
8 to ensure that the recommendations can be implemented.

9 (3) Not later than 30 days after completion of the report specified
10 in paragraph (2), the governing board of the local educational
11 agency may submit an appeal to the Superintendent to be exempted
12 from implementing one or more of the recommendations made in
13 the report. The Superintendent, with approval of the state board,
14 may exempt the local educational agency from complying with
15 one or more of the recommendations made in the report.

16 (4) Not later than 60 days after completion of the report, the
17 governing board of the local educational agency at a regularly
18 scheduled meeting shall adopt the report recommendations
19 described in paragraph (2), as modified by any exemptions granted
20 by the Superintendent under paragraph (3).

21 (f) A local educational agency that is required to contract with
22 a district assistance and intervention team or other technical
23 assistance provider pursuant to this section shall reserve funding
24 provided under subdivision (d) of Section 52055.57 to cover the
25 entire cost of the team or other technical assistance provider before
26 using that funding for other reform activities.

27 (g) Upon an evidence-based finding that a district assistance
28 and intervention team or other technical assistance provider has
29 not fulfilled its legal obligations pursuant to this section, the
30 Superintendent, with the approval of the state board, may remove
31 the district assistance and intervention team or other technical
32 assistance provider from the state list of eligible providers.

33 (h) The provisions of this section are declarative of technical
34 assistance requirements under the federal No Child Left Behind
35 Act of 2001 outlined in Section 6316(b) and (c) and Section
36 6317(a) of Title 20 of the United States Code.

37 (i) For purposes of this article, all references to schools shall
38 include charter schools.

39 SEC. 5. If the Commission on State Mandates determines that
40 this act contains costs mandated by the state, reimbursement to

1 local agencies and school districts for those costs shall be made
2 pursuant to Part 7 (commencing with Section 17500) of Division
3 4 of Title 2 of the Government Code.

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